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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Seventeenth session
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SEVENTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Third periodic reports

Australia

1. The Committee considered the third periodic report of Australia (CEDAW/C/AUL/3) at its 352nd and 353rd meetings, on 18 July 1997.

2. The report was introduced by the Assistant Secretary, Office of the Status of Women, Department of the Prime Minister and Cabinet. She explained that the report before the Committee had been prepared in 1993 as a supplementary report to Australia's second periodic report and had been submitted to the Secretariat as Australia's third periodic report in 1994. In stressing her Government's commitment to its treaty obligations, she regretted its inability to prepare a formal supplementary report for consideration by the Committee at the current stage, but noted that Australia had produced an implementation plan for the Beijing Platform for Action which was available to the Committee for information. The detailed answers to the questions on notice would provide the Committee with an up-to-date picture of the status of women in Australia. Noting the high standards of Australia's past reports as well as past practice,

she regretted that the present report had not benefited from the involvement of non-governmental organizations. She indicated her Government's intention to combine the fourth and fifth periodic reports for the Committee's consideration in the beginning of the next century.

3. In her introductory statement, the representative of the State party noted that a robust framework of anti-discrimination legislation, positive measures, strategies and programmes had been put in place since ratification of the Convention in 1983. Government-funded services for women, specialized governmental machinery, and attention to women's health, educational curricula, violence against women, employment and women's participation in public life had resulted in a record of achievement which was significant by world standards. At the same time, the Government was aware of the need to address a number of specific areas where women's equality remained to be achieved.

4. As to the reservations Australia had entered to the Convention, the representative noted that while significant progress had been made towards the provision of comprehensive maternity leave, the Government was not in a position to remove the reservation regarding paid maternity leave. On the other hand, a modification of the reservation regarding "combat-related" employment in the armed forces was being considered.

5. The change in Federal Government following the March 1996 elections brought a fresh approach. In strengthening a gender mainstreaming policy, responsibility for gender issues, which had become concentrated in the Office of the Status of Women, has now been entrusted to all areas of the Commonwealth bureaucracy. Specialist units in line departments have responsibility for enhancing linkages and cooperation, including cooperation with women's organizations. A tight fiscal environment where tax increases or budget deficits were not considered to be means for covering shortfalls led to difficult choices, but she emphasized the Government's commitment to expanding opportunity and choice for all.

6. While major advances had been achieved in the area of domestic violence over the last 20 years, it remained a significant area of concern, requiring a more comprehensive approach to prevention and response. A National Campaign Against Violence and Crime will address, inter alia, domestic violence. A recent programme had assisted in decreasing the incidence of family violence in Aborigines and Torres Strait Islanders communities. The portrayal of violence in the media is also receiving attention.

7. Australia was one of the few countries with a national women's health policy, and new efforts were under way better to understand women's specific health needs. Programmes and services were implemented to improve the health of Aboriginal and Torres Strait Islander women, including resource allocation. In order to address immigrant women's and girls' risk of female genital mutilation, legislation to ban the practice has been introduced in most Australian states and territories, and programmes to prevent it have been developed.

8. New temporary measures have been introduced to increase women's participation in politics at the state and federal level. Rather than to rely on quotas, the Government had chosen other means, such as mentoring, executive

searches, etc., to increase the number of women in politics. The last federal elections had seen a significant increase in the number of women parliamentarians. There had been an increase in the percentage of women in the Cabinet, in state and local government as well as in political parties.

9. Women's representation in decision-making and management in the private sector was increasing slowly. The Affirmative Action Agency's Awards to recognize worthwhile employers' initiatives, as well as other measures, such as education strategies and the waiving of annual reporting requirements for organizations having implemented high-quality affirmative action programmes over three-year periods, were among the strategies used.

10. The Government was committed to women's greater participation in the paid labour market through the promotion of greater flexibility in the workplace, continuing support for childcare and a broadening of options in employment and training. Women's participation in the labour force had grown by 30 per cent in the past 10 years, almost double the increase for men.

11. The new legislative basis for industrial relations, adopted in 1996, included provisions for parental leave and the prohibition of employment termination for reasons of, inter alia, family responsibilities. Other provisions expected to benefit women in particular were the removal of restrictions on regular part-time work and the capacity to formalize individual workplace agreements. An Office of the Employee Advocate had been established to provide advice and assistance in this regard. She noted that wage gaps between men and women remained. She also noted that a comprehensive income security safety net was available which benefited women to a greater extent than men.

12. In addressing disadvantages experienced by indigenous populations, the Government was committed to reconciliation between Aboriginal and Torres Strait Islanders and the larger Australian community. Indigenous women were playing an active role in these efforts.

13. She noted that the High Court Mabo (No. 2) decision of 1992, which overturned the terra nullius doctrine and recognized the existence of native title, did not refer to gender as affecting the recognition of native title.

14. In order to ensure better options for indigenous women, recommendations contained in a report which had been submitted to Parliament in May 1997 were being considered by the Government. A number of new initiatives, including the Aboriginal and Torres Strait Islanders "Healthy Women - Strong Families" Initiative which had been announced at the Beijing Conference, were aimed at improving the health status of this group of women.

15. The representative concluded that the Australian Government believed that far-reaching cultural and economic changes required the support and acceptance of the community. She pledged Australia's determination to build on its existing achievements so as to ensure that women participated fully in all aspects of life so that their families, their communities and Australia would prosper.

Concluding comments of the Committee

Introduction

16. The Committee commended the Government for its past initiatives and efforts to promote and protect the human rights of women nationally and internationally. Australia's leadership for the advancement of women at the Fourth World Conference on Women and its initiative to make it into a "conference of commitment" were particularly noteworthy. The Committee took note of the fact that Australia had prepared a comprehensive national action plan to implement the Beijing Declaration and Platform for Action and provided a copy to each member of the Committee. The Committee appreciated the comprehensive introductory statement and detailed responses provided to the Committee's written questions by the representative.

17. However, the Committee noted that the third periodic report did not comply with the Committee's reporting guidelines for periodic reports and that the lengthy oral presentation impeded dialogue. The Committee also noted that the third report essentially reiterated information that had been considered at the time of presentation of Australia's second periodic report in 1994. At the same time, given Australia's experience in reporting under the Convention, it could have combined its third periodic report with the fourth, which was due in August 1996, to enable the Committee to explore more fully the developments which had taken place since 1995 when the third report was submitted.

18. As there seems to be misunderstanding about the status of Australia's reports under the Convention, for the sake of clarification the situation is as follows:

Report	Date due	Date submitted	Considered
Initial report	August 1984	October 1986	1988
Second periodic report	August 1988	July 1992	1994
Third periodic report	August 1992	March 1995	1997
Fourth periodic report	August 1996	Not submitted	
Fifth periodic report	August 2000		

Factors and difficulties affecting the implementation of the Convention

19. The Committee was aware that Aboriginal and Torres Strait Islander women continued to face discrimination and disadvantages in terms of access to rights, opportunities and resources. The changing role of government in terms of public expenditure and the ongoing decentralization of responsibility in a number of areas, from the federal to territorial/state Governments, including in health, has an impact on the legal and practical implementation of the Convention. Australia continues to have two reservations to the Convention, one with regard to paid maternity leave and one with regard to "combat-related" employment in the armed forces, which constitute an obstacle to the full implementation of the Convention.

Positive aspects

20. Australia's commitment to the full implementation of the Convention and to the realization of the human rights of women was reflected in such legislative and administrative efforts as the New National Agenda for Women of 1993, the Sex Discrimination Act of 1984 and Amendment of 1995, the Human Rights and Equal Opportunity Act of 1986 and its amendments, the review of the Affirmative Action (Equal Employment Opportunity for Women) Act of 1986, the annual Women's Budget Statement, the Register of Women maintained by the Office of the Status of Women, and the Office of the Sex Discrimination Commissioner.

21. The Committee welcomed Australia's pioneering role in addressing violence against women and the measures and strategies that had been put in place to prevent and eliminate it. It commended the Government (Bureau of Statistics) for the establishment of the first comprehensive national statistical profile on the extent and nature of violence against women, and for its strong commitment to reducing the incidence of domestic violence including through preventive measures. The recommendations emanating from a National Domestic Violence Forum in September 1996 and the convening of a National Domestic Violence Summit in 1997 were considered to be important steps to raise awareness about the issue and to contribute to the creation of a climate that would no longer tolerate such violence.

22. The Committee welcomed the existence of a national health policy for women, which had been established in 1989, and for which funding was currently allocated for financial year 1998-1999. The policy's participatory approach in providing innovative primary health care and in emphasizing services for disadvantaged groups of women, including Aboriginal and Torres Strait Islanders, and migrant women were commendable, as was the inclusion of women's reproductive health and sexuality among its seven priority issues.

23. Legislation enabling the Government to prosecute Australians who committed sexual offences abroad was also commended.

24. The preparation by the Law Reform Commission of a report on equality of women before the law was an important step in further strengthening women's equal access to justice and in eliminating discrimination and gender bias in areas such as legal aid, violence against women, immigration and refugee law. The recommendation of the Commission to enact an Equality Act which could lead to the entrenchment of equality legislation in the Constitution would, if implemented, reinforce Australia's leadership role with regard to women's equality.

25. The Committee applauded the Government's intention to ratify the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time and noted with satisfaction Australia's support for the preparation of an optional protocol to the Convention on a complaints procedure and the initiation of domestic consultations in that regard.

26. The Government's past close cooperation with the non-governmental community in preparing its reports to the Committee was applauded.

Areas of concern

27. The Committee was concerned about the Government's apparent shift in attention and commitment to the human rights of women and the achievement of gender equality. Indications such as the cut by 38 per cent in the budget of the Office of the Status of Women gave rise to concern. While increased efforts at gender mainstreaming into all sectoral areas were commendable, the Committee was concerned about the weakened role of national machinery in providing policy advice on equality issues and in monitoring the effective implementation of such policies. The discontinuation of the women's budget statement, as well as of the national register of women, were regrettable since both had served as a model for other Governments embarking on similar exercises.

28. The Committee was alarmed by policy changes that apparently slowed down, or reversed, Australia's progress in achieving equality between women and men, such as in housing and childcare programmes, and in employment assistance. It was concerned about the delay in appointing a Sex Discrimination Commissioner and about the Government's declared intention to change its human rights policy and legislation as it pertained to women.

29. The Committee expressed its concern that at a time of fiscal constraint, resources for programmes and policies benefiting women or aimed at overcoming discrimination, such as in health, in the provision of legal aid services, of training and awareness programmes for health workers, judicial, professional and others on violence against women, might be subjected to disproportionate budget cuts.

30. The Committee noted with concern that violence against women, notwithstanding major efforts, remained a central concern to Australian women, 7 per cent of whom experienced some type of violence in the course of a year. It noted the absence of data concerning violence against Aboriginal and Torres Strait Islander women and assessment of programmes directed at reducing such violence.

31. The Committee was also concerned about pae[illegible]philia and sex tourism involving Australian men, primarily in Asian countries, and the situation of women brought to Australia as brides.

32. The Committee noted with concern that new legislation on industrial relations providing for the negotiation of individual contracts between employer and employee may have a disproportionately negative impact on women. Part-time and casual workers, of which women formed a disproportionate share, are usually in a weaker position than other workers to negotiate favourable working agreements, in particular with regard to benefits. The reservation to the Convention with regard to paid maternity leave, and Australia's non-ratification of ILO Convention 103, remained a concern for women workers with family responsibilities.

33. The Committee was concerned at the continuing adverse situation of Aboriginal and Torres Strait Islander women. Their situation, as well as that of migrant women workers, was further compromised by an apparent rise in nationalism. Major causes of concern included a higher incidence of maternal

mortality, lower life expectancy, a high incidence of violence, including domestic violence, and high unemployment rates among minority women.

Suggestions and recommendations

34. The Committee recommended that the Government should carefully monitor the impact of recent policy changes in all areas covered by the Convention for inclusion in its next periodic report. To that end, it recommended that Australia conduct analyses of the successes and shortcomings of the new policies with a view to providing data for future action, both in Australia and elsewhere. It recommended that the Government design a long-term strategy aimed at the full implementation of the Convention.

35. In particular, the Committee recommended that an evaluation should be conducted of the Workplace Relations Act of 1996, assessing its impact upon women of different age groups, with different educational levels and in different occupational groups. The Government should assess whether the Act leads to increased or decreased part-time and casual work, and its impact on women workers' benefits and on workers with family responsibilities, particularly women's ability to obtain maternity leave. A similar evaluation and assessment was recommended for Australia's new childcare benefit scheme.

36. The Committee encouraged the Government to assess the benefits of a continuing national women's health policy and to ensure that any further change in that policy did not lead to a decreased access by women, especially vulnerable groups of women, to comprehensive health services. It also recommended that data and indicators on health should be collected, disaggregated by sex, age, ethnicity, rural/urban areas and other distinctions. Data should also be collected on the impact of the shift in responsibility for health care from the federal to the state level.

37. The Committee recommended that the Convention, as well as the Beijing Declaration and Platform for Action should be translated for non-English-speaking Australians.

38. The Committee recommended that a comprehensive strategy to eliminate violence against women should be adopted following the National Domestic Violence Summit, with an emphasis on prevention, and with sufficient funding. It also recommended that ways should be found to involve women's groups in the development of strategies to reduce violence in the media, including electronic media, and that they should participate in the development of self-regulatory codes of practice of the media. The Government should further assess its monitoring and enforcement responsibilities in that regard.

39. The Committee noted the differing state provisions in relation to prostitution and encouraged the Government to assess the effectiveness of the varying measures in reducing the exploitation of prostitution.

40. The Committee encouraged the Government to collect statistical data on the participation of indigenous women in the workforce, in decision-making, in politics and administration, and in the judiciary. It suggested that the

Government might include representatives of indigenous communities when it presented its next report to the Committee.

41. The Committee recommended that, in the light of the Mabo and Wik judgements of the High Court, the Government should develop the necessary legislative and policy measures to ensure women's equal access to individual ownership of native land.

42. The Committee encouraged the Government to strengthen its support for women's studies, to provide funding for research and teaching, and to facilitate international academic exchange and cooperation in that field.

43. The Committee encouraged the Government to resume its active and visible participation in international forums on women's equality, such as in the Commonwealth and the United Nations.

44. The Committee requested the wide dissemination of these concluding comments in Australia so as to make individuals aware of the steps that had been taken to ensure de facto equality for women and the further steps that are required in this regard.